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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/584,669

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Graham Alexander Robertson

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EXAMINER

MATTHEWS, TERRELL HOWARD

ART UNIT

PAPER NUMBER

3653

NOTIFICATION DATE

DELIVERY MODE

11/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

Patent-ch@btlaw.com

Office Action Summary

Application No.

10/584,669

Applicant(s)ROBERTSON, GRAHAM
ALEXANDER**Examiner**

TERRELL H. MATTHEWS

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/07/2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-15 and 17-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-15, 17-23 and 26 is/are rejected.
- 7) ☒ Claim(s) 24-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Applicants arguments filed 8/07/2009 have been fully considered but they are not persuasive for reasons as detailed below.

The prior art rejections are maintained or modified as follows:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 13-15, 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cook (US-6675975).

Referring to claims 13-15, 20-22. Cook discloses a "Filtering Screen and Support Frame". See Figs. 1-24 and respective portions of the specification. Cook further discloses a frame (10) over which woven wire mesh is to be stretched and secured to form a sieving screen which can be used to screen solids from drilling mud recovered from down-hole when drilling for oil or gas comprising a rectilinear moulded plastics frame (10) having edge regions by which it is secured in place in a shaker and defining a plurality of rectilinear windows (See at least Fig. 11) formed by an orthogonal array of

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intersecting ribs (See at least col. 1 l. 45-55) also of moulded plastics material wherein some of the ribs are internally reinforced by rigid metal members (See at least Col. 1 l. 55-61) which extend orthogonally between hollow box-section members which defined a rectilinear sub-frame, the orthogonal members being secured at their ends to the hollow box section members and the ends of the latter are joined at four corners of the sub-frame, so that not only are the edge regions forming the perimeter of the screen frame reinforced, but so also are some of the orthogonally intersecting ribs, so thereby to produce a rigid screen frame. Cook further discloses wherein the frame is formed from a plastics material which may be reinforced with glass fibers or similar reinforcing material and the edge regions and the crossing members of the frame are all reinforced with elongate steel wires (See at least Col. 10 l. 63-67). Cook further discloses wherein the box-section members of the perimeter reinforcing members having a rectangular cross-section (See at least Figs. 1-2, 11). Additionally, Cook discloses wherein the frame is clamped into a vibratory screening machine (See at least Col. 2 l. 1-2). Cook does not disclose wherein the subframe includes members that are internally reinforced by rigid metal having a hollow box cross section. However, Cook discloses wherein the subframe includes internally reinforcing members. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Cook wherein the internally reinforcing members were include as rigid metal components having a hollow box cross-section, so that the frame would be significantly reinforced to resist bending and deformation but also remain relatively light. Moreover, these variations, such as providing all or just some of the ribs with rigid

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reinforcing members are predictable to one of ordinary skill in the art. See MPEP 2143. Further, the prior art discussed and cited demonstrates the level of sophistication of one with ordinary skill in the art and that these modifications would be well within this skill level and obvious to do so to increase durability of the frame and maintain it in a light-weight manner. Likewise, it is generally known in the field of the art that a screen assembly can be constructed out of any suitable fabrication and construction that would be apparent to one of ordinary skill in the art. Further, the features of hollow structural tubing and the screen made of varying fabrics are seen as modifications that are well known in the art.

Referring to claim 19. Cook discloses the invention as described above in detail. Cook does not disclose wherein the box-section members of the perimeter reinforcing frame have a square cross-section. However, Cook discloses the claimed invention except for wherein the box-section members of the perimeter reinforcing frame have a square cross-section. It would have been one of ordinary skill in the art at the time of the invention was made to make the reinforcing frame have a square-cross section however, as it is generally known in the field of the art. Furthermore, the applicant has not disclosed that having reinforcing members with a square cross-section solves any stated problem or is for any particular purpose and it appears that the invention would perform equally well with rectangular cross-section reinforcing members.

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Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Burnett (US-2006/0180509).

Referring to claim 23. Cook discloses the apparatus as described in detail above. Cook does not disclose wherein the screen is clamped into position in shaker basket using a pneumatic seal. Burnett discloses a "Screen Assembly For A Shale Shaker". See Figs. 1-5b and respective portions of the specification. Burnett further disclose pneumatic seals (333) which clamp a screen into position within a shaker basket. It should be noted that it is generally known in the field of the art to use pneumatic seals to hold a screen in position within a shaker basket. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Cook to include the teachings of Burnett wherein pneumatic seals were included as means of clamping the screen in position within the shaker basket so that the screen could be clamped within the shaker in a tight and secure engagement, in an efficient manner which would assist in more effective screening during operation.

Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cook in view of Riddle (US-2005/0247604).

Referring to claim 26. Cook discloses the apparatus as described above. Cook does not disclose wherein the screen is clamped in position by wedges driven into position between abutments protruding internally from the shaker basket and the upper

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face of the regions of the screen. Riddle discloses a "Screen and Screen Frame For Improved Screen to Shaker Placement". See Figs. 1-3 and respective portions of the specification. Riddle further discloses wherein wedges (24) and wedge block clamps (26) are used to clamp the screen in position within a shaker basket. It should be noted that it is generally known in the field of the art to use wedges to hold a screen in position with a shaker basket. It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the apparatus of Cook to include the teachings of Riddle wherein wedges were used to secure and hold the screen to the shaker so that screen could be clamped to the shaker in an simple, reliable, and efficient manner.

Response to Arguments

Applicant's arguments filed 8/07/2009 have been fully considered but they are not persuasive. In particular applicants focus on "including a subframe that includes some members that are internally reinforced by rigid metal and some that are not and having a hollow box cross section" is unconvincing as a result of Cook teaching and disclosing a subframe that includes rigid metal reinforcing members in addition to what is generally known in the field of the sorting arts wherein it is generally understood that adding ribs or constructing a frame out of hollow tubing or with a hollow box cross section would allow for strengthening of the frame to prevent bending and deformation while also allowing for the frame to remain relatively light. Moreover, these variations, such as providing all or just some of the ribs with rigid reinforcing members are

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predictable to one of ordinary skill in the art. See MPEP 2143. Further, the prior art discussed and cited demonstrates the level of sophistication of one with ordinary skill in the art and that these modifications would be well within this skill level and obvious to do so to increase durability of the frame and maintain it in a light-weight manner. Therefore, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the invention of as is well known in the art. Consequently, as a review of the prior art undermines Applicants arguments, the claims stand rejected.

Examiner has maintained the prior art rejections, statutory rejections and drawing objections as previously stated and as modified above. Applicants' amendment necessitated any new grounds of rejection present in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TERRELL H. MATTHEWS whose telephone number is (571)272-5929. The examiner can normally be reached on M-F 8am - 4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Mackey can be reached on (571) 272-6916. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Patrick H. Mackey/
Supervisory Patent Examiner, Art
Unit 3653

THM